

REMARKS

Attached hereto is a Request for an Extension of Time and the appropriate fee.

Enclosed herewith is another copy of the Information Disclosure Statement and the Supplemental Information Disclosure Statement of, respectively, March 21, 2001 and March 23, 2001, along with the attached PTO Forms 1449. It is requested that these forms be initialed and returned to applicant and that the references be made of record in the prosecution of this matter.

The Office Action contended that a published European patent application which represents the work of the present inventors could raise an issue of a double patenting rejection. While the Office Action suggests that a Terminal Disclaimer can be filed to remove this rejection, it is respectfully submitted that this is an erroneous request because there can't be double patenting in the United States based upon an application pending in Europe. Additionally, the publication represents the work of the present inventors and was not published more than a year before our U.S. filing date.

Of record is our priority document, Japanese Patent Application 11-256869, setting forth the priority date of September 10, 1999. Attached hereto is a certified translation of that priority document.

In view of the above information, it is respectfully requested that the Examiner withdraw his request to file a Terminal Disclaimer and that an early notification of allowance of this application be provided.

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If the Examiner believes that a telephone interview will help further the prosecution of this case, he is respectfully requested to contact the undersigned attorney at the listed telephone number.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on April 28, 2003.

By: James Lee
James Lee
Signature

Dated: April 28, 2003

Very truly yours,

SNELL & WILMER L.L.P.

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